

FILED

DEC 23 1980

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IN THE COURT OF APPEALS OF IOWA

CLERK SUPREME COURT

THE INCORPORATED CITY OF
DENISON, IOWA,

Plaintiff-Cross-Appellant,

vs.

KAREN M. CLABAUGH and
LARRY D. CLABAUGH,

Defendants-Appellants.

Filed December 23, 1980

0-366
2-64709

Appeal from Crawford District Court - D. M. Pendleton, Judge.

Defendants-property owners appeal and plaintiff-city cross-appeals from trial court decree enjoining construction of a building claimed to be in violation of local zoning ordinance. AFFIRMED BY OPERATION OF LAW PURSUANT TO SECTION 684.36(1), THE CODE.

Morris C. Hurd of Hurd Law Firm, Ida Grove, for defendants-appellants.

Richard J. Vipond of Reimer, Vipond & Lohman, Denison, for plaintiff-cross-appellant.

Heard by Oxberger, C.J., and Donielson, Carter, and Johnson, JJ. Snell, J, takes no part.

PER CURIAM

This appeal and cross-appeal have been considered by four judges of this court. On defendants' appeal, two judges would hold that the trial court's decree should be affirmed and two judges vote to reverse. On plaintiff's cross-appeal, two judges vote to affirm and two judges vote to reverse and grant further injunctive relief. The judges of the court being equally divided on both appeals, the trial court's decree is affirmed by operation of law pursuant to section 684.36(1), The Code.

AFFIRMED.